

Town of Clarence Joint Meeting Minutes

Wednesday, August 30, 2006

Work Session 7:00 PM

Ann Case, Deputy Supervisor, called the meeting to order at 7:00 p.m.

Town Board Members Present:

Councilman Scott Bylewski
Councilman Bernie Kolber

Councilman Joe Weiss
Councilman Pat Casilio

Planning Board Members Present:

Patricia Powers, Chairperson
George Van Nest
Jeffrey Grenzebach
Timothy Pazda

Wendy Salvati, First Vice Chairperson
Richard Bigler
Gerald Drinkard, Second Vice Chairperson

TEQR Committee Members Present:

Matthew Balling, Chairperson
Al Schultz
Patrick Miner

Paul Shear
Lisa Beaser

Zoning Board of Appeals Members Present:

Ray Skaine, Vice Chairperson
Ryan Mills

Arthur Henning
Daniel Michnik

Other Town Officials Present:

James Callahan, Director of Community Development
James Hartz, Assistant Director of Community Development
Steve Bengart, Town Attorney
David Donohue, Deputy Town Attorney
Joe Latona, Town Engineer
Ann Case, Deputy Supervisor

Other Interested Parties Present:

Karen Willyoung

Deputy Supervisor, Ann Case is representing Supervisor Kathleen Hallock as she was unable to attend the meeting. The Deputy Supervisor conveys the Supervisor's thoughts as follows: this meeting is a work session, therefore, there will be no public participation, Supervisor Hallock hopes the Boards will be productive and thanks them for their time. She also expresses a special "thanks" to everyone who has participated in the Land Use Training Certification Program. All the members of the Planning

Board and the TEQR Committee have completed the nine (9) tutorials and passed the tests. The Zoning Board of Appeals participation is encouraged. New York State's legislation is going to mandate this type of training. Supervisor Hallock reads the minutes from all the Boards and Committees and values the discussions and comments that are made. She reminds the Committees of the contribution the commercial property makes to our town, in terms of taxes and fewer demands on service.

Councilman Scott Bylewski explains his discussion with the Supervisor regarding various recommendations that have come forward. He also thanked everyone for their services to the Town and said the Town Board relies on and values the discussions of other Boards. As he speaks for the Town Board members, he asks that when projects are referred to the various Boards, they are given the hard look and the appropriate State or Town Codes are applied. He asks for and stresses the importance of the opinions and recommendations from all members of all Boards. These discussions are very important and need to be reflected in the minutes.

Councilman Bylewski notes that the New York Planning Federation Conference is coming up and advises members of all Boards to contact their respective Chairperson if they are interested in attending.

On behalf of everyone at the meeting, Patricia Powers expresses sincere sympathy to Supervisor Hallock and her family on the passing of her aunt.

Patricia Powers said the Planning Board welcomes this opportunity to meet with the Town Board. The last joint meeting was held in 2004; it was more of a visioning session and was found to be beneficial. Patricia Powers advises this is a work session and there will be no discussion on specific projects this evening, nor will there be any votes taken. The meeting is being taped and a transcript will be available.

Jim Callahan provides an explanation on the application procedure in terms of Site Plan Review for development of property in the Town of Clarence. In general, everything starts at the Town Board level. The Town Board will briefly discuss the application at a work session and identify that it is a subject matter that can be placed on a formal agenda, generally it will be placed on that agenda two (2) to three (3) weeks later. When a project is formally introduced to the Town Board they have a few options. One option is to table the project for additional information if they need to determine its compliance with the Master Plan, the Zoning Code or some other question regarding the design. Another option is to refer the project to the Planning Board to continue the review process. Or the Town Board could reject the project based upon non-compliance with the Master Plan. In order to advance into the review process the project is referred to the Planning Board. Generally, the Planning Board will be introduced to a project at a formal meeting. The Planning Board will have options, as well. They could table the project due to lack of information. They could continue the review process by referring the project to the TEQR Committee. There can be applications that are small in nature that the Town Board can initially approve. There are projects that the Planning Board could act on the Environmental Review, if it is small in nature. Generally, before the Planning Board takes action, they will send a project on to the TEQR Committee, Traffic Advisory Board and Fire Safety Board so these boards have an opportunity to comment prior to the Planning Board taking action. The first meeting of the Planning Board is when the Town notifies adjoining property owners of the project. Neighbors that are a minimum of 500' adjacent to or near the property in question will be notified. The next step in the review of the Planning Board is seeking input on the environmental quality. The project will be sent to the TEQR Committee and they will, generally, initiate a coordinated review. The TEQR

Committee has the opportunity to look at a project and determine its environmental impact without going through a coordinated review. On larger projects it will be referred out to involved agencies and will take a waiting period of thirty (30) days minimum to get comments back. There has been some confusion on when the thirty (30) day time period begins. When the TEQR Committee acts to initiate a coordinated review or seek lead agency status, this action is recommended to the Town Board. It is officially from the Town Boards time frame that the thirty (30) days starts. It is generally a week or two (2) after the TEQR recommendation that the Town Board acts, thirty (30) days from this point is a second TEQR meeting, so there is always a two (2) month gap. Within this two (2) month period the project will be reviewed by the Traffic and Fire Advisory Boards. TEQR is a recommending body and would recommend an action to the Town Board. The action could be a Negative Declaration, which would identify that there is no significant impact. Or the action could be a Positive Declaration, which identifies that there is a potential for an impact on the environment. The Environmental Impact Statement can be developed. Generally, once a Negative Declaration is recommended, the Town Board will take that action and the project goes back to the Planning Board for Concept Plan approval. The Planning Board will take that action as a recommendation, that action frees up the applicant to pursue the civil, more detailed drawings that we call Development Plan. The Development Plan drawings are submitted to the Planning and Zoning Office and multiple sets are sent out to the various agencies and departments for review and comment. Generally, before placing it on the Planning Board agenda again the Town Engineer reviews the project to determine its compliance with the Town's laws. Once the Engineer's comments are received the project is placed on the next available Planning Board agenda. The Planning Board, at this point, can recommend Development Plan approval. Ultimately, the project is back at the Town Board for final approval on Development Plan as well as the architectural style. Once the Town Board has taken the final action, including the final architectural approval, the action is turned over to the Building and Engineering Department to issue their PIP/building permits. The Zoning Board of Appeals (ZBA) comes into play only if there is a violation of Zoning and the applicant wants to proceed with a variance request.

Item 1 - Cumulative Effects on Roads and Streets

Wendy Salvati explains that there is a growing need to look at projects together and to review the cumulative impacts of the projects. Looking at a project on an individual basis does not show the full effect of how the structure systems (roads) are being impacted. Councilman Bylewski agrees. Patricia Powers asks if the Town Board members feel the Adequate Public Facilities Ordinance (APFO) will address the cumulative effects of a project. Councilman Weiss asks who will pay for the traffic study. If there are two (2) or three (3) projects in the same area does the Town of Clarence have the authority to require a traffic study from each project and then obtain a copulation of those studies, or would there be one study that all projects contribute to the cost of completing? Councilman Weiss asks how this comes to fruition. Wendy Salvati explains most of these issues are addressed under the SEQR process.

Councilman Bylewski said the APFO will play some role on the cumulative effects but for the overall impact of a certain project it is important for all the Boards to keep in mind that there are other projects in the area that will influence the project that is before them.

Councilman Kolber refers to the copulation and the cumulative impact and said the Town needs a way to look at one overall view of the traffic study. Once the study is done the Town should back charge/pro rate the applicant for this service. Steve Bengart said there would be no need to pro rate; the charge can be applied within each study. Councilman Weiss said there has never been a study they didn't like. George Van Nest said if there are three (3) different projects there will probably be three

(3) different results; none of them will find a level of service being impacted. It is obvious that the continuous build out of the Town will impact traffic, so a cumulative analysis is one way for the Town to look at the issue, regardless of what DOT or any other agency may do.

Matt Balling said if the TEQR Committee has the assumptions of seeing a traffic problem coming, they can ask for the scope of the traffic study not only to include the project that is requesting the permit, but any project that may be within the traffic shed (for example, within a quarter mile of the vicinity) if they know there is a project that will effect traffic. Wendy Salvati said the TEQR Committee could find, through the SEQR review, that there may be one or two areas impacted by a project but are not significant enough were the TEQR Committee feels a full Environmental Impact Study (EIS) would be necessary. The TEQR Committee could ask the applicant to do a Part III of the Environmental Assessment Form (EAF) and a traffic study; the applicant would be financially responsible for this study. Part III is only reached if there are large impacts indicated on the Part II of the EAF.

Joe Latona explains that a Town Traffic study (a traffic management plan) was conducted a few years back and one of the products that was generated by the consultant was a model for the Town to take in to consideration the cumulative effects of multiple projects, such that a traffic study for a proposed project would be incorporated into the model to compare the cumulative effects. Jim Callahan confirms that the Town has the traffic model; it is part of the Master Plan 2015. A baseline traffic analysis was done to generate the level of service. The way the model works is when an applicant brings in a project they are asked to submit a traffic generation and distribution report, this is plugged into the model where it will identify conflicts or level of service changes.

Councilman Weiss voices his concern regarding the parameters of the State, he wonders about the parameters as determined by our population and Master Plan, “i.e. we want a rural atmosphere” and already degraded traffic patterns are being accepted.

Wendy Salvati explains that it takes a large amount of traffic to change the level of service at an intersection. So when the DOT reviews a project they may indicate that the level of service will not be affected, however, they are looking at just that one project. Perhaps a threshold, in between, needs to be established. Councilmen Casilio agrees and sites two (2) intersections in the Town of Clarence where the State DOT said there is no traffic problem, however, in reality, there is a traffic issue. Matt Balling explains that per the traffic studies, those intersections were already failing, so the added traffic was not making it any worse. Councilman Kolber said a traffic consultant is needed, one who will represent the Town’s interest. Tim Pazda recalls the meeting with the Town’s traffic consultant and notes the last comment he made “it really depends on who is paying the bill as to how the traffic study works.” This made Tim Pazda think that the Town should be controlling the traffic studies. Daniel Michnik asks when a project comes to the Town, why can’t we take the numbers we want from a traffic study, not the DOT numbers. Councilman Weiss asks what legal repercussions may result from this action. Steve Bengart agrees this is a problem. Councilman Bylewski said this issue is being worked on in the APF. The Town is trying to work with the appropriate agencies to gain further understanding of the issue; however, there has been no response form Erie County Highway and New York State DOT. Jim Callahan advises he has had a discussion with a representative of the State and the problem lies with the level of service. What might be an acceptable level of service to the State is not acceptable to the Town.

As a side note, Jim Callahan said he is unaware of the intersection at Goodrich Road and Main Street showing a failing level of service.

Paul Shear explains that when the TEQR Committee looks at traffic, there are three (3) “concrete” things that are taken into consideration: 1.) Any recommendation that is received from the Traffic and Fire Safety Boards, 2.) Any recommendations received from DOT and 3.) Any traffic study the applicant has put forth, either of his own volition or the TEQR Committee’s request. These are the hard facts the TEQR Committee has to deal with. The TEQR Committee also has to deal with receiving no comments or acceptable comments from the Boards/DOT.

Wendy Salvati explains that, in the past, when the Planning Board has requested the applicant to submit a traffic study, the applicant hires his own consultant. The consultant is being paid by the applicant and it will be very unusual that the study comes back and says that there will be significant problems caused by the project. She suggests the Town hire an independent consultant, one who does not work for project developers.

Councilman Casilio asks who investigates the hiring of a traffic consultant for the Town. Jim Callahan reminds the Boards that the Town did hire a traffic consultant who provided the Town with base numbers. Councilman Casilio does not think the Town obtained its value from the traffic consultant.

Gerald Drinkard refers to the three (3) criteria the TEQR Committee looks at and said a fourth (4th) is needed. The fourth (4th) item should be something that can be validated. Councilman Weiss said two (2) out of three (3) items are subjective, the DOT’s report and the developer’s report. Gerald Drinkard said when you have a traffic study from a specific perspective, you need to test this. Al Schultz explains that the numbers that are in the consultant report(s) are available on a County website and are updated periodically. What’s important is the Board members need to establish what level of service they are willing to accept, once this is established the rest is arithmetic, no subjectivity at all. Joe Latona said the level of service at all the intersections has been established in the traffic management plan.

Wendy Salvati asks what the Town can do for the roads that are currently failing; she believes these roads were identified in the Nussbaumer report.

Joe Latona explains the goal of the traffic management plan. The goal was to set the level of service on the road links and the intersections, establish at what point that level of service declines, to be able to project it and tie it back into growth and development. Many of these roads are not Town roads. He suggests having a fee associated with a development such that when the mitigation is necessary, the Town has the money for a traffic device. Wendy Salvati does not know how the Town could do this since New York State does not allow impact fees. Joe Latona said you don’t have to call it an impact fee. Councilman Bylewski said if you can get the applicant to agree to contribute funds, great. If the applicant does not agree, the only other way to enforce this issue is the APFO. Councilman Kolber asks how the fee would be decided. Joe Latona suggests developing a formula. He has discussed the issue with the County Highway department and the problem is no municipality wants to escrow money up front.

Matt Balling said that if anything coming from the Town Board or Planning Board triggers a traffic concern, please get it on record so that the TEQR Committee can be made aware of it by reading the minutes.

Councilman Bylewski said that it is ultimately up to the Town Board in determining the level of service.

Item 2 – Sewer Process

Gerald Drinkard refers to the sewer guidelines in the Master Plan, the Subdivision Law, the Zoning Code and through the Engineering Department, they are all clear and easy to comprehend, individually. However, he asks, in action how do they synchronize? He now refers to an out-of-district sewer and asks where the process begins. When it comes to evaluating a subdivision that is out-of-district and the developer proclaims it will be on sewer and has taken action in what the developer believes to be adequate action to be on sewers, how much planning should the Planning Department do in going forward with the assumption that out-of-district sewer will be approved.

Jim Callahan said he just recently received a letter from Erie County Division of Sewer Management on an out-of-district sewer subdivision proposal. One of the first things they identify in going out of Erie County Sewer District #5 is that there is capacity in District #6. The TEQR Committee has asked why the County is giving away this capacity when it has been determined that there are 1200 potential units in the district where that capacity should be used. The County's policy says they have to have excess capacity in order to go outside the district. This does not make sense. The County said it is Amherst's capacity and if Amherst says there is capacity then it is acceptable. All we can do is rely on the agency that is providing us with the letter saying there is capacity; however, there seems to be some flaws in the system when coming to this decision.

Gerald Drinkard asks how the Planning Board should evaluate the following example: a 30 unit residential subdivision that is very close to ECSD #5, this is an out of district situation. He refers to the Subdivision Law which says an out of district applicant shall be given the right of being an out of district customer. Councilman Kolber has been told that Sewer District #6 has no capacity. He suggests either reducing Sewer District #6 to what is being serviced presently or ban the district and add those areas that are being serviced to Sewer District #5. Jim Callahan said there is a contract with ECSD #5. Councilman Bylewski said the problem with the dissolution of the district is that there are existing customers within that district that are presently being serviced. The other concern is in regards to the Master Plan where Sewer District #6 is designed to bring the sewers to Harris Hill.

Joe Latona explains that, historically, Erie County has chosen to go with out of district customer status which is easy than expanding their district.

Councilman Kolber refers to another project on Roll Road, where the applicant has been told there is no sewer capacity. This project is along a creek and there are wetlands in the area. There is the potential for contamination. People should not be allowed to buy capacity. Councilman Weiss said there are many things happening with the Sewer issue that the Town of Clarence are not privy to.

Paul Shear explains that the TEQR Committee asked if ECSD #5 were built out completely how many additional dwelling units would that represent, the answer was approximately 1200. The payments made to Amherst, to mitigate a problem on North Forest, were not to increase capacity but rather to do away with the problem of excess flow during wet weather. So, is it appropriate for the Town of Clarence to give away capacity in ECSD #5 to people who are out of district? If you have 1200 people in District #5 who have the right to hook up to #5, shouldn't this capacity be set aside prior to committing excess capacity to out of district customers?

Gerald Drinkard said there are gray areas regarding the process for this sewer issue, we need a procedure. Councilman Kolber said the Town needs to stay on sound legal footing, as well. Town Attorney, Steve Bengart suggests all Boards be very specific about the issues that they expect the applicant to deal with and lay this out in the record. The TEQR Committee will have to deal with most of what has been discussed this evening and they need to know where the issues and concerns lie. In order to omit the arbitrariness, the applicant needs to be made aware of the issues up front so they don't have an "as of right" to the project. As the project moves along the applicant needs to be reminded of the issues, then when it hits the appropriate Board and is ready for a recommendation, a hard look has already been taken.

George Van Nest asks if the Town should have its own numbers with regards to sewer capacity, who is reaching the determination of whether or not capacity exists. Steve Bengart said the Town can obtain a study and make the applicant pay for it.

Paul Shear provides his thoughts with respect to calculations on how to determine sewer capacity.

Item 3 – Sign Laws

Jeffrey Grenzebach opens the discussion for suggestions regarding revising the Sign Law.

Councilman Weiss voices his concerns regarding the number of signs on display in the Town and the procedure for violators. He thinks a full time enforcement officer is needed. Jim Callahan explains that no matter how many enforcement officer's there are, problems will remain.

Daniel Michnik voices his concern regarding garage sale signs and suggests implementing a procedure were the applicant applies for a temporary sign permit and, once the sign is taken down, will be entitled to a refund.

Councilman Casilio agrees with the idea of a full-time code enforcement officer.

Jim Callahan explains that the current code enforcement officers are enforcing the laws within the parameters of the current law as it exists today.

Wendy Salvati said that signs are supported by the rights of freedom of speech; therefore, the Town has to be careful when regulating signs, in terms of the content. Steve Bengart said this issue is also about "due process"; you have to notify people to provide them with an opportunity to correct a violation before instituting an action against them.

Councilman Bylewski said an excellent primer to aid in understanding Sign Laws is a publication put out by the Department of State, the James A. Coon Local Government Technical Series, entitled Municipal Control of Signs. Wendy Salvati and Gerald Drinkard recently attended a sign seminar that was very informative. Copies of the Municipal Control of Signs have been distributed to all Planning Board members and changes will be discussed during upcoming meetings.

Wendy Salvati said that when any law is changed the public needs to be made aware of it.

Jim Callahan drafted the Sign Law in 1997 and said there has been significant improvement, with regards to signs, along Main Street since the draft was adopted. One item he wanted removed but wasn't, is the grandfather clause that said if there is an existing sign it can be maintained.

Councilman Kolber agrees that the sign issue needs to be addressed. He suggests placing a clause in the law that states any current permanent signs that do not comply with the new law will have a certain amount of time to be brought up to code, perhaps ten (10) years.

Item 4 – Environmental Consultant

George Van Nest explains that subdivision applications are increasing and a large percentage of the issues within the applications are environmental issues. Perhaps it is appropriate for the Town to engage its own consultant. The cost would be funded by the applicant and would be part of the review process. The consultant would assess many environmental issues and would include wetlands, trees and natural features. Steve Bengart asks at what Board/Committee level will this take place. George Van Nest said it is basically a determination at the Planning Board level that could be a situation where a consultant could assist the Planning office in reaching determinations on yield, for example what would be deductible on a particular area. This would also help in the TEQR Committee's review of the project.

Councilman Kolber asks what happens if there is a discrepancy between the findings of an outside agency and the Department of Environmental Conservation (DEC). Wendy Salvati said the Town can supersede the DEC with its own law, if this is what the Town chooses to do.

George Van Nest said just because an environmental agency is charged with environmental protection in reviewing wetland regulations does not necessarily mean that their findings will "square out" with what the Town may think should be preserved on that particular property.

Councilman Kolber said unless the Town has a law, we have nothing to stand on. George Van Nest said part of the review process is to figure out what the Town needs to look at and how to support it. If more objective information is found then the yield determination can be supported in a more comprehensive fashion.

Gerald Drinkard said hiring a consultant allows the Boards/Committees in the Town to be more objective.

Councilman Weiss said there is an enforcement issue here, as well. Who will mark the lot, who will walk the lot to make sure the applicant has complied.

David Donohue said the lots are determined prior to the development; we use the wetland delineations to calculate a permissible number of lots in an Open Space Development. Hiring a consultant is expensive. The Open Space Development is an incentive plan, if the Town makes it so onerous, the developer will just do a regular development with regular size lots. There is no obligation for the developer to preserve the items that are in the Incentive Open Space Development Plan.

Albert Schultz thinks that George Van Nest is referring to four (4) or five (5) different consultants, because they are experts in very specific fields. He recommends that the SEQR/TEQR process work its way through the system, rely on the TEQR Committee to identify the important issues

with all input from the other boards and use the consultants in only the critical, pivotal areas on each proposal. He is very concerned about ground water.

Steve Bengart asks what Board/Committee has the authority with regards to hiring a consultant; it must be part of the SEQR process.

Wendy Salvati explains that before the Planning Board can forward a project to the TEQR Committee the yield must be calculated, perhaps at this point a consultant should be contacted.

Ann Case suggests specific definitions for wetland, mature tree, etc. This way all Board members, developers, applicants and agencies know exactly what they are looking at.

Councilman Bylewski said if there is a discrepancy in the density yield between the applicant's calculations and the Town's calculations, at this point, can the Planning Board make a referral to the TEQR Committee? Usually the applicant's yield is higher, so in the referral make this the "cap" on the yield in case the wetland delineation comes back and allows more lots than what the Town calculated.

Jim Callahan explains that there have been additions and adjustments to the definitions in the Zoning Law to help clarify some of these issues. He asks if a project is in violation to the Zoning Code would it then be a Zoning Board of Appeals matter. Is this the relief mechanism as opposed to a law suit?

Matthew Balling said other towns ask for the delineation up front, prior to dividing into lots. If the Town does not agree with the project sponsor's delineations they have the option to issue a Positive Declaration. As part of the review of the Draft Environmental Impact Statement (DEIS) a fee can be charged to have the Town's own expert(s) study the DEIS, this is stated in the SEQR Law. He prefers that the TEQR Committee be given the site plan that the Town Board and the Planning Board agrees is an acceptable number of lots. This requires a wetland delineation.

Patricia Powers asks if the Town can require the applicants to delineate the wetlands and provide a tree survey prior to being placed on the Town Board agenda. These items will be required by the Planning Board anyway. Jim Callahan said that most of the applications received already have the wetlands delineated; however, the accuracy is questionable.

Matthew Balling suggests putting an Environmental Consultant in the Town's Budget.

Item 5 – Pine Meadows Public Golf Course

Patricia Powers explains that the Planning Board is looking for input/direction from Town Board members regarding Pine Meadows Golf Course. There are differing opinions regarding the course. One opinion wonders if the course is worth saving. Wendy Salvati poses a few questions: is it a resource to the Town, should the course remain or should it be replaced. Patricia Powers said it is an existing amenity that serves many people; she is told it is a great place for young golfers to perfect their skills.

Councilman Weiss would like to know the numbers that go through the course.

Councilman Kolber said people like to live around golf courses; it would be a tremendous asset to the Town if the golf course remained and perhaps some of the land around it could be developed.

Councilman Casilio thinks a golf course is important to the Town. Towns that own golf courses make money with their golf courses.

Councilman Bylewski points out that this issue pertains to Land Use and the Parks and Recreation Master Plan, that the Town is in the process of adopting, would need to be referenced. The top two (2) items that came out of the survey that the respondents felt we needed in the Town were a walking and running trail and a golf course. But when you look at the fifteen (15) recommendations that were set forth, there is no mention of a golf course. Wendy Salvati thinks there was no recommendation for a golf course because standards indicated that the Town has sufficient golf course area for the population and the current golf courses would remain. Councilman Bylewski explains that the standard for a public 18-hole golf course is one (1) per 50,000 units for population, the national standard is half, the Clarence actual is zero (0), however, it does mention that there are two (2) private golf courses open to the public.

Raymond Skaine said there is a golf course in Cheektowaga with the expense of 1 million dollars a year to run.

Wendy Salvati said the owner of the land is not proposing a golf course, there was a consideration of perhaps establishing it, but there was no guarantee. The Planning Boards question is should they encourage the owner to maintain the golf course or should the area be developed with housing and the golf course eliminated. The owner of the course is proposing to eliminate the golf course, what is the Town Boards concern, if any.

Councilman Bylewski would like to see the golf course saved.

Gerald Drinkard said the applicant must realize and accept the fact of the 50% greenspace requirement.

Item 6 – Subdivision Law

Timothy Pazda voices his appreciation for this meeting and the opportunity to attend. He hopes there will be future meetings.

Timothy Pazda introduces the 200 foot set back requirement for new subdivisions. Phil Sgamma wrote a detailed memo concerning his thoughts on the 200 foot rule and hopefully all have received copies of it. In the interest of time Timothy Pazda summarizes the Planning Boards thoughts and frames the issue. If you consider Spaulding Lake and contrast it with Waterford Village (Land Use only, not housing values) it becomes immediately clear that Spaulding wins hands down on a number of fronts: A.) Residents get a semi-exclusive area because it is hidden from the road. In fact, without prior knowledge one would almost never know it existed. Waterford, on the other hand, would have been built right out to the double yellow line if the Board meeting lasted any longer. B.) Obviously we recognize that if developers have met all regulations they are within their rights to develop their land into subdivisions, however, shouldn't we, as decision makers for the Town of Clarence, do what we can to protect the remaining natural vistas for the benefit of all residents not just those who will live in the proposed development. C.) The 200 foot proposal was intended to provide a substantial buffer from existing roadways. Timothy Pazda believes the wording should be strengthened and not allow exceptions. It is not the Planning Board's fault that the developers are trying to cram too many homes in a postage stamp sized lot with dual frontage. The Planning Board

looks forward to clarifying this subdivision regulation so they can make appropriate planning recommendations.

All are in agreement with Timothy Pazda's comments.

Councilman Kolber voices his concern regarding how to control and cut down on the number of frontage lots over the course of time. He refers to a recent project that came in and Patricia Powers points out that the Town Board denied the project and that is how to control the situation. Wendy Salvati points out that the applicant can also come back with a different more creative plan. George Van Nest said he thinks the Town is well within their rights to ask the questions they have been asking of the applicants on the current projects.

Item 7 – APFO

Jim Callahan explains that legislation to determine adequacy of certain facilities is being worked on. The facilities being worked on are the Clarence and Williamsville School districts. He is trying to coordinate with the DOT and ECDPW regarding a memorandum of understanding to determine adequacy. He is also working on Fire Flow and the Park and Recreation fee schedule. The consultant is trying to work with DOT and Erie County to get the memorandums in place. He is hopeful that the Public Hearings will be held in October 2006.

Item 8 – Land Use Training

Gerald Drinkard explains that the TEQR Committee and the Planning Board are both certified. All the members have completed and passed the nine (9) chapters of the Land Use Training. He points out that New York State is going to mandate all Boards in towns, villages and cities be certified and take an annual training which shall consist of four (4) hours per year. There are many training options available including on-line training, hard copies and seminars/conferences. The Land Use Training qualifies for the state mandated four (4) hours. Gerald Drinkard wonders if the Land Use Training should be a Town requirement for all Board and Committee members. He also suggests designating someone to keep records of the training. Wendy Salvati explains that many of the training courses will provide a certificate of completion. David Donohue asks if the training is incomplete does that void the Planning Board member's votes on projects. Councilman Bylewski does not know how the legislation is written.

Item 9 – Date for Future Joint Meeting

Patricia Powers explains that Supervisor Hallock and Councilman Bylewski have both expressed an interest in the next meeting date as May 30, 2007. The Planning Board awaits further input on the desired date of the next joint meeting. Patricia Powers thanks all the members of all the Boards and Committees for attending and participating in this meeting. She asks for feedback. Councilman Weiss said he thinks the Town is very fortunate to have such talent on all the Boards and Committees and everyone at the meeting should be commended. Councilman Casilio agrees and appreciates all the work the Boards and Committees do. It is agreed that another meeting will be helpful.

Councilman Casilio suggests discussing the Historical Law at the next joint meeting.

Councilman Kolber suggests encouraging shared access for commercial sites; the Planning Board does this currently.

Matthew Balling prefers the January 31, 2007 date for the next joint meeting.

Meeting adjourned at 9:28 p.m.